

AMENDED IN ASSEMBLY MAY 24, 2002

AMENDED IN ASSEMBLY APRIL 22, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2424

**Introduced by Assembly Member Goldberg
(Coauthor: Assembly Member Firebaugh)**

February 21, 2002

An act to amend Section 17070.15 of, and to add Article 13 (commencing with Section 17078.80) to Chapter 12.5 of Part 10 of, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2424, as amended, Goldberg. Local school construction authority.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

This bill would authorize a school district to form a *districtwide* local school construction authority to perform the school construction duties of the school district, as prescribed, and would require the State Allocation Board to adopt regulations for expedited ~~apportionment and allocation~~ *distribution* of funds for *approved* projects administered by a local school construction authority.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 17070.15 of the Education Code is~~
2 ~~amended to read:~~

3 ~~17070.15. The following terms, wherever used or referred to~~
4 ~~in this chapter, shall have the following meanings, respectively,~~
5 ~~unless a different meaning appears from the context:~~

6 ~~(a) “Apportionment” means a reservation of funds for the~~
7 ~~purpose of eligible new construction, modernization, or hardship~~
8 ~~approved by the board for an applicant school district.~~

9 ~~(b) “Attendance area” means the geographical area serving an~~
10 ~~existing or proposed high school and those junior high schools and~~
11 ~~elementary schools included therein.~~

12 ~~(c) “Board” means the State Allocation Board as established~~
13 ~~by Section 15490 of the Government Code.~~

14 ~~(d) “Department” means the Department of General Services.~~

15 ~~(e) “Committee” means the State School Building Finance~~
16 ~~Committee established pursuant to Section 15909.~~

17 ~~(f) “Modernization” means any modification of a permanent~~
18 ~~structure that is at least 25 years old, or in the case of a portable~~
19 ~~classroom, that is at least 20 years old, that will enhance the ability~~
20 ~~of the structure to achieve educational purposes.~~

21 ~~(g) “Property” includes all property, real, personal or mixed,~~
22 ~~tangible or intangible, or any interest therein necessary or~~
23 ~~desirable for carrying out the purposes of this chapter.~~

24 ~~(h) “School district” means a school district or a county office~~
25 ~~of education, or a local school construction authority formed~~
26 ~~pursuant to Article 13 (commencing with Section 17078.80). For~~
27 ~~purposes of determining eligibility under this chapter, “school~~
28 ~~district” may also mean a high school attendance area.~~

29 ~~(i) “Fund” means the 1998 State School Facilities Fund~~
30 ~~established pursuant to Section 17070.40.~~

31 ~~(j) “County fund” means a county school facilities fund~~
32 ~~established pursuant to Section 17070.43.~~

33 ~~(k) “Portable classroom” means a classroom building of one~~
34 ~~or more stories that is designed and constructed to be relocatable~~
35 ~~and transportable over public streets, and with respect to a single~~
36 ~~story portable classroom, is designed and constructed for~~
37 ~~relocation without the separation of the roof or floor from the~~

~~building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.~~

~~(f) “School building capacity” means the capacity of a school building to house pupils.~~

SECTION 1. Section 17070.15 of the Education Code, as amended by Chapter 33 of the Statutes of 2002, is amended to read:

17070.15. The following terms, wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) “Apportionment” means a reservation of funds for the purpose of eligible new construction, modernization, or hardship approved by the board for an applicant school district.

(b) “Attendance area” means the geographical area serving an existing high school and those junior high schools and elementary schools included therein.

(c) “Board” means the State Allocation Board as established by Section 15490 of the Government Code.

(d) “Department” means the Department of General Services.

(e) “Committee” means the State School Building Finance Committee established pursuant to Section 15909.

(f) “Modernization” means any modification of a permanent structure that is at least 25 years old, or in the case of a portable classroom, that is at least 20 years old, that will enhance the ability of the structure to achieve educational purposes.

(g) “Property” includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this chapter.

(h) “School district” means a school district ~~or~~, a county office of education, *or a local school construction authority formed pursuant to Article 13 (commencing with Section 17078.80).* For purposes of determining eligibility under this chapter, “school district” may also mean a high school attendance area.

(i) “Fund” means the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, or the 2004 State School Facilities Fund, as the case may be, established pursuant to Section 17070.40.

(j) “County fund” means a county school facilities fund established pursuant to Section 17070.43.

(k) “Portable classroom” means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.

(l) “School building capacity” means the capacity of a school building to house pupils.

SEC. 2. Article 13 (commencing with Section 17078.80) is added to Chapter 12.5 of Part 10 of the Education Code, to read:

Article 13. Local School Construction Authority

17078.80. (a) A school district may form a *districtwide* local school construction authority pursuant to this article for the purpose of performing the tasks necessary for the completion of a project pursuant to this chapter.

(b) A local school construction authority formed pursuant to this article shall be established by a resolution of the school district governing board and shall be governed by a local school construction governing board composed, as follows:

(1) Five members appointed by the school district governing board as follows:

(A) Three members with technical expertise in various aspects of school facilities construction or modernization.

(B) Two community representatives.

(2) Either of the following:

(A) If ~~the~~ there is only one city within the school district, three members shall be appointed by the city council.

(B) If there is more than one city within the school district, two members shall be appointed by the city council of the largest city and one member shall be appointed by the city council of a smaller city. If there are more than one smaller cities, and the project is likely to be built in one of the smaller cities, the city council of that city shall make the smaller city appointment.

~~(3) One member appointed by the State Allocation Board.~~

~~(4) One nonvoting ex officio representative of the Office of the State Architect.~~

1 (c) In addition to the members appointed pursuant to
2 subdivision (b), for projects to be located in a city other than the
3 largest city of a school district with more than one city, the city
4 council of the city in which the project is to be located may appoint
5 three additional members as follows:

6 (1) Two members with technical expertise in various aspects of
7 school facility construction or modernization.

8 (2) One community representative.

9 17078.82. (a) A school district that forms a local school
10 construction authority pursuant to this article shall delegate to the
11 authority all of the school facilities construction duties relating to
12 that school district, except that the governing board of a school
13 district shall retain overall authority to approve all of the
14 following:

15 (1) The overall facilities needs of the school district.

16 (2) The needs of the school district to be addressed by the
17 project.

18 (3) The general design of the project.

19 (4) The proposed location of the project prior to acquisition.

20 (b) A local school construction authority shall have and
21 perform all of the following powers and duties on behalf of the
22 school district:

23 (1) Identification and acquisition of schoolsites, including the
24 exercise of the power of eminent domain on behalf of the school
25 district.

26 (2) Complete site preparation, including, but not limited to,
27 working with the Department of Toxic Substances Control
28 regarding environmental cleanup of the site, if necessary.

29 (3) Project management. The authority may enter into a
30 contract with another entity for performance of the project
31 management duties.

32 17078.84. (a) A local school construction authority shall
33 possess all licenses, certificates, and permits, necessary for
34 performance of all of the functions needed to complete the
35 construction project.

36 (b) A local school construction authority shall obtain a
37 performance bond at an amount commensurate with the projected
38 costs of the project, as determined by the school district governing
39 board.

1 (c) A local school construction authority shall obtain insurance
2 indemnifying the school district from liability arising from all acts,
3 errors, and omissions, in the performance of its duties under this
4 article.

5 (d) A small school district may enter into a joint exercise of
6 powers agreement with a neighboring school district to form a
7 joint powers local school construction authority pursuant to this
8 article.

9 17078.86. The board shall adopt regulations to expedite the
10 apportionment and allocation *distribution* of funds pursuant to this
11 chapter for projects administered by a local school construction
12 authority pursuant to this article. *that have received approval by*
13 *the board.*

